

Remarks

The Applicants have amended Claim 5 to recite that the polyurethane is impregnated into the ultra-fine polyester fibers within the fiber-entangled substrate. Similarly, Claim 7 has been amended to recite the step of impregnating into ultra-fine polyester fibers having a fiber fineness of 0.7 dtex or less forming a fiber-entangled substrate with the polyurethane solution. Support for these changes may be found in the Applicants' specification such as in paragraph [0039] on page 8, paragraph [0064] on page 13 and paragraph [0103] on page 22, for example. Entry into the official file and consideration on the merits is respectfully requested. This is particularly true given that these changes have been made to address an issue that has already been considered and was specifically raised in the Official Action in paragraph 7 of the rejection. Further details are set forth below.

Claims 5 and 7 stand rejected under 35 USC §103 over the hypothetical combination of Fukushima and Streicher with Civardi. The Applicants note with appreciation the Examiner's detailed comments hypothetically applying the combination against those claims. The Applicants nonetheless respectfully submit that even if one skilled in the art were to make that hypothetical combination, the product and methods resulting from that combination would still be different from what the Applicants claim.

The rejection frankly concedes that Civardi does not disclose that the ultra-fine fibers have a fineness of 0.7 dtex or less. Thus, the rejection turns to Fukushima for those teachings. Assuming *arguendo* that one skilled in the art would look to Fukushima and import the teachings of Fukushima of ultra-fine fibers having a fineness of 0.7 dtex or less and combined those ultra-fine fibers with Civardi, the resulting method and product would still be different from the Applicants' Claims 5 and 7.

The rejection also frankly concedes that Civardi and Fukushima do not disclose that the polyurethane contains at least one each of yellow, red and blue pigments selected from the specific claimed Markush group. Thus, the rejection turns to Streicher. However, the Applicants respectfully submit that even if one skilled in the art were to take the pigments of Streicher and hypothetically combine them with the ultra-fine fibers having a fineness of 0.7 dtex or less from Fukushima and combine both of the Fukushima and Streicher components with Civardi, the resulting methodology and product would be different from the Applicants' Claims 5 and 7.

As noted above assuming importation of the Streicher pigments and the Fukushima ultra-fine fibers into Civardi, the result of that combination would still fail to disclose, teach or suggest the subject matter of Claims 5 and 7. This is because the Applicants specifically claim in Claim 5 that the polyurethane is impregnated into the ultra-fine polyester fibers within the fiber-entangled substrate. Similarly, Claim 7 recites the step of impregnating into the ultra-fine polyester fibers forming the fiber-entangled substrate with the polyurethane solution. This is completely different from Civardi alone or Civardi in combination with Fukushima and Streicher. This issue is, as noted above, addressed in the Examiner’s helpful comments in paragraph 7. In that regard, the Applicants agree with that portion of the rejection that states that Civardi discloses in column 6, lines 60-70, that “the burnishing may be effected so as to spread a thin layer of fused polyurethane to cover exposed cut fibers at the edge of the piece being burnished.”

However, that is different from what the Applicants claim. The rejection noted that the claims only require that “suede artificial leather” is impregnated with the polyurethane, not that the fiber-entangled substrate is impregnated with the polyurethane. The Applicants believe that the then pending Claims 5 and 7 made it clear that the substrate was impregnated and not just the artificial leather. For example, Claim 5 previously stated that the suede artificial leather comprises a fiber-entangled substrate mainly containing ultra-fine polyester fibers and impregnated with the polyurethane. In other words, the fiber-entangled substrate contained polyester fibers and was impregnated with polyurethane, not merely that the artificial leather was impregnated.

Nonetheless, to clarify this point, the Applicants have amended Claims 5 and 7 as noted above so that Claim 5 recites that the fiber entangled substrate mainly containing ultra-fine polyester fibers and polyurethane impregnated into the ultra-fine polyester fibers within the fiber-entangled substrate. This is explicitly taught in the Applicants’ specification, also as noted above such as in paragraph [0103] which states that the polyurethane solution was immersed into the island fibers and the impregnated fibers were compressed and squeezed using rolls. This means that the polyester solution is impregnated into the substrate itself and, with the squeezing step described in paragraph [0103], the polyurethane is thus located throughout the resulting substrate.

This is sharply contrasted to Civardi which, as noted in the rejection, covers exposed cut fibers at the “edge” of the piece. The Applicants simply do not do this. They impregnate the substrate, not just the edge of the substrate. Claims 5 and 7 explicitly claim this aspect. As a

consequence, the Applicants respectfully submit that even if one skilled in the art were to import the fiber teachings of Fukushima and the pigment teachings of Streicher and incorporated those teachings into the structures disclosed by Civardi, the result of that would be at best a pigmented polyurethane covering exposed cut fibers having a fiber fineness of 0.7 dtex or less at the “edge” of the substrate. Again, that is not what the Applicants claim. The Applicants’ polyurethane is impregnated within the fiber-entangled substrate itself. Withdrawal of the rejection is accordingly respectfully requested.

Claims 6 and 8 stand rejected under 35 USC §103 over the further hypothetical combination of Pedain with Streicher, Fukushima and Civardi. The Applicants respectfully submit that Pedain fails to provide additional teachings which would cure the deficiency set forth above with respect to the combination of Streicher and Fukushima with Civardi. Withdrawal of that rejection is also respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750
Attorney for the Applicants

TDC/vbm
(215) 656-3381